

Attorney Docket No. RR1055R.C1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

**MICHAEL R. HATCH and
CHAK M. LEUNG**

Examiner: Tupper, Robert S.

Serial No.: 10/631,993

Art Unit: 2652

Filing Date: July 30, 2003

For: MAGNETIC HEAD SUSPENSION
ASSEMBLY FABRICATED WITH
INTEGRAL LOAD BEAM

A continuation of:

Reissue Application No: 08/521,786

Filed: August 31, 1995

of: MICHAEL R. HATCH and
CHAK M. LEUNG

U. S. Patent No. 5,282,103

Issued: January 25, 1994

**Supplemental Declaration
(37 CFR §1.175)**

Mail Stop Reissue
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We, MICHAEL R. HATCH and CHAK M. LEUNG, the undersigned petitioners,
declare:

1. We are citizens of the United States of America and residents of
Mountain View and Palo Alto, respectively, both of California.

2. We are the named inventors in United States Letters Patent No. 5,282,103 issued on January 25, 1994 and entitled, MAGNETIC HEAD SUSPENSION ASSEMBLY FABRICATED WITH INTEGRAL LOAD BEAM AND FLEXURE. United States Letters Patent No. 5,282,103 indicates that it issued from Application No. 08/042,906 ("the '906 application"), a continuation-in-part of Serial No. 958,516 ("the '516 application"), filed October 7, 1992, abandoned. The above-referenced application no. 10/631,993, filed July 30, 2003, is a continuation of application no. 08/521,786 filed August 31, 1995 for reissue of U.S. Letters Patent No. 5,282,103.

3. On information and belief, the entire title to the United States Letters Patent No. 5,282,103 issued on January 25, 1994 to ourselves, is vested in WESTERN DIGITAL (FREMONT), INC., having a place of business at 44100 Osgood Road, Fremont, California 94539, and having purchased the entire title to United States Letters Patent No. 5,282,103, including any and all reissues and reissue applications, from the bankruptcy estate of READ-RITE CORPORATION on July 31, 2003.

4. We believe United States Letters Patent No. 5,282,103 ("the '103 patent") to be, through error, and without any deceptive intention, at least partly inoperative or invalid by reason of language included in the claims that rendered those claims indefinite. Claim 1 of the '103 patent, for example, is defective because it uses the terms "narrow legs," "cutout portion," and "lateral ear" which terms we believe to be indefinite. Furthermore, the fourth paragraph of claim 1 recites "a tongue extending from said end of said narrowed load beam section." This recitation is indefinite because there is no antecedent basis for "said narrowed load beam section."

5. We believe that the original patent claims 1-22 of the '103 are also deficient with respect to the omission of subject matter that we are entitled to claim. Specifically, the '103 patent failed to include independent claim 1 and dependent claims 2, and 6-24 of the scope as presented by way of amendment filed concurrently herewith in the above-identified application, to which we believe ourselves to be entitled. Independent claim 1 defines a head suspension assembly comprising an air bearing slider having at least one transducer mounted thereon for transducing data that is recorded and read out from a surface of a rotating magnetic disc, and a single piece of material comprising: a load beam section formed with a narrowed end, a

flexure section having a shaped opening which defines two flexure beams that extend in a longitudinal direction from said narrowed end of said load beam section, said flexure section further including a transverse section spaced in said longitudinal direction from said load beam section, said transverse section connecting said flexure beams, a load point tongue extending from said narrowed end of said load beam section into said shaped opening such that said flexure beams and load point tongue lie substantially in the same plane, said load point tongue being disposed substantially between said flexure beams and having a free end within said shaped opening, said load point tongue having a load supporting protrusion, said air bearing slider being bonded to said transverse section and in contact with said load supporting protrusion. These insufficiencies arose as a result of the original assignee, READ-RITE CORPORATION ("READ-RITE"), its attorney's, and ourselves, through error and without deceptive intent, having failed before the '103 patent issued, to recognize that (1) the Examiner improperly designated the '906 application as a continuation-in-part application (2) the original specification and drawings contain errors with respect to the nomenclature of certain recited claim elements, and (3) certain disclosed embodiments were not specifically claimed.

6. These errors and insufficiencies arose as a result of the original assignee READ-RITE CORPORATION, its attorneys, and ourselves, through error and without any deceptive intent, having failed, before the '103 patent issued, to have expressly claimed certain embodiments embraced by claims 1, 2, and 6-24 presented by way of amendment. These errors and insufficiencies also arose because before the '103 patent issued, we, the assignee, and the assignee's attorneys, without any deceptive intent, accepted claims which did not set forth the embodiments of the invention defined above.

7. All errors which are being corrected in the present reissue application up to the time of filing of this declaration arose without any deceptive intention on the part of applicant. In view of the foregoing, it is respectfully submitted that U.S. Patent No. 5,282,103 should be reissued with the claims now presented or with claims commensurate in scope therewith.

8. We have reviewed and understand the contents of the above-referenced reissue application, including the specification, and claims 1, 2, and 6-24, as presented in the amendment filed herewith in response to the Office Action mailed November 02, 2005. We believe ourselves to be the first, original and joint inventors

of the subject matter which is described and originally claimed in United States Patent No. 5,282,103 ("the '103 patent") and in the foregoing specification for which invention we solicit a reissue patent. We also believe ourselves to be the first, original and joint inventors of the invention of claims 1, 2, and 6-24, as presented herewith. We do not know and do not believe this invention was ever known or used in the United States before our invention thereof.

9. We hereby claim the benefit under Title 35, United States Code, Section 120 of United States Application No. 07/958,516, filed October 7, 1992, now abandoned, as well as application no. 08/521,786 filed August 31, 1995, which is a reissue of application no. 08/042,906 filed April 5, 1993, which issued as U. S. Patent No. 5,282,103 on January 25, 1994, which is a continuation-in-part of application no. 07/958,516, and, insofar as the subject matter of each of the claims of this reissue application is not disclosed in our prior United States Application No. 958,516 in the manner provided by the first paragraph of Title 35, United States Code, Section 112, we acknowledge the duty to disclose all information known to us to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the October 7, 1992 filing date of the '516 application and the filing date of this reissue application.

10. WHEREFORE, we the undersigned petitioners respectfully request a reissue patent as herein sought for the purpose of adequately, clearly and fully protecting the disclosed invention to which we are entitled.

11. We, the undersigned petitioners, declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any reissue patent issued thereon.


Dated: 2/9/06

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